

REMARKS

Claim 1-2 and 4-14 are pending in this application. The Office Action objects to the specification; rejects claims 1-14 under 35 U.S.C. §112, second paragraph; and rejects claims 1-14 under 35 U.S.C. §102(b). Applicants hereby amend claims 1, 2, 4, 5 and 14, and cancel claim 3.

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Objection to the Specification

The Office Action objects to the disclosure for not containing proper idiomatic English. Applicants respectfully traverse the objection.

The disclosure is in proper idiomatic English and in compliance with CFR 1.52(a) and (b). Applicants respectfully request that specific passages appearing to be non-compliant be cited so that Applicants can amend the specification where necessary.

Reconsideration and withdrawal of the objection are earnestly solicited.

II. Rejection Under 35 U.S.C. §112

The Office Action rejects claims 1-14 under 35 U.S.C. §112, second paragraph, as indefinite. The Office Action asserts that at least claims 1, 2 and 6 are vague and/or

confusing. Applicants hereby amend claims 1, 2, 4, 5 and 14, cancel claim 3 and traverse the rejection.

Claim 1, as amended, more fully clarifies that the derivative of an alcohol having a polyoxyalkylene chain is represented by formula (1). Additionally, amended claim 1 defines monomer components (c) and (d), which constitute the *esterified* copolymer (A). In other words, copolymer (a) comprises monomers (c) and (d). Thus, because (A) comprises (a) and (b), (A) necessarily also comprises (c) and (d).

Claim 2 refers to "the polyoxyalkylene compound represented by the formula (4)," and thus clearly indicates which polyoxyalkylene compound is being referred to.

Claim 6 clearly indicates that component (B) (i.e., "a derivative of an alcohol..."), which corresponds to (b) of *esterified* copolymer (A), can be added to cement. Similarly, component (C) (i.e., a polycarboxylic acid series copolymer), which corresponds to (a) of *esterified* copolymer (A), can be added to the cement. In other words, (A) is the reaction product of (B) and (C), which, respectively, are the same as (b) and (a), as restated in page 5 of the October 18, 2006 Final Rejection.

The foregoing points can be understood by referring generally to at least page 7 of the specification, as filed, which indicates that component (B) is the derivative, represented by Formula (1); and that after (A) is produced, (B) and (C) may still be individually added to the cement.

For at least the foregoing reasons, claims 1-2 and 4-14 are not indefinite.

Reconsideration and withdrawal of the rejection are earnestly solicited.

III. Claim Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1-14 under 35 U.S.C. §102(b) as anticipated by JP 06-298556. The Office Action asserts that JP 06-298556 discloses each claimed feature. Applicants hereby amend claims 1, 2, 4 and 5 and cancel claim 3 and traverse the rejection.

JP 06-298556 discloses an additive having "n" value of 11 or more, and indicates slump peak properties at 20°C (i.e., ambient temperature). JP-06298556 nowhere discloses a high-temperature plasticized cement composition (e.g., 30°C).

In contrast, instant claim 1, as amended, and as set forth in Applicant's Remarks submitted in reply to the May 4, 2006 Office Action, recites "a slump peak at a time point of more than 30 minutes after mixing at 30°C," and further recites an average mole number of from 1-8. These features are simply not taught or disclosed in JP 06-298556. The present inventors discovered that slump loss at high temperature (30°C) can be considerably reduced by lowering the average mole number of addition (n_1) of the oxyalkylene group to between 1 and 8. Such slump loss at high temperature (i.e., 30°C) is very difficult to predict based solely on experimental results of slump loss at ambient temperature (i.e., 20°C). These unexpected results are shown in Tables 2-7 of the application as filed. The claimed mole number of addition of the oxyalkylene group is thus lower than in JP 06-298556, and the slump peak is measured after mixing at a higher temperature than in JP 06-298556. Neither feature is disclosed in the reference.

Accordingly, for the reasons described in the Remarks submitted in reply to the May 4, 2006 Office Action, in addition to the arguments recited herein, instant claims 1-14 are not anticipated by JP 06-298556. Reconsideration and withdrawal of the rejection are earnestly solicited.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Ryan C. Cady
Registration No. 56,762

JAO:RCC/amw

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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